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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/706,406

11/03/2000

James P. Tagg

TAG P-3

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03/31/2010

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

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NEW YORK, NY 10022-7650

EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

03/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/706,406	Applicant(s) TAGG, JAMES P.	
	Examiner DOUGLAS B. BLAIR	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/8/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-45 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-45 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 21-45 and 48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-31, 33-37, 38, 40, 41, 44, 45, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,377,982 to Rai.

As to claim 21, Rai teaches a method (as in exemplary claim 21) of connecting a client system to a target network a step of providing software to the client system that will allow the client system to connect to the target network (col. 7, line 39-43); and a step of connecting the client system to the target network via a host system controlled by the software provided in the client system (col. 7, line 39-43), the step of connecting the client system to the target network comprising: a step of locating the target network through the host system (col. 8, lines 24-26); a step of determining requirements for connecting the client system to the target network (col. 11, lines 1-9); and a step of linking the client system to the target network based on the requirements

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(col. 11, lines 1-9); wherein requirements of the host system are not essential for connecting the client system to the target network (There is no disclosure in Rai that states that any requirement of the foreign service provider is necessary).

As to claim 22, the foreign registration server is a server.

As to claim 23, see col. 4, line 66-col. 5, line 17.

As to claim 24, see col. 4, line 66-col. 5, line 17.

As to claim 25, see col. 5, lines 18-30.

As to claim 26, see col. 4, line 66-col. 5, line 17.

As to claim 27, see col. 4, line 66-col. 5, line 17.

As to claim 28, see col. 2, lines 33-35.

As to claim 29, see col. 6, lines 51-55.

As to claim 30, see col. 8, lines 24-26.

As to claim 31, see col. 5, lines 18-30.

As to claim 33, see col. 8, line 38-67.

As to claim 34, see col. 8, lines 24-26.

As to claim 35, see col. 24, lines 13-52.

As to claim 36, see col. 32, lines 31-60.

As to claim 38, the disclosed tunnel protocols from the foreign network to the home network read on this limitation.

As to claim 40, see col. 4, line 66-col. 5, line 17.

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As to claim 41, see col. 11, lines 10-20.

As to claim 44, see col. 8, line 38-67.

As to claim 45, see col. 5, lines 18-30, the disclosed protocols coordinate frequencies.

As to claim 48, Rai does not disclose that the client has an access to any part of the host so Rai satisfies claim 48 because there is no absence to the contrary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 37, 39, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,377,982 to Rai.

The point of a patent is to provide legal protection of an idea in return for putting the public in possession of novel information regarding this idea. The subject matter of claims 32, 37, 39, 42, and 43 are not explicitly discussed by Rai. A careful review of the applicant's specification shows that the applicant's disclosure does not put the public into any details on how these claims would be implemented. In order to be enabled, the applicant's disclosure implies that those of ordinary skill would know how all of these limitations are implemented. Therefore Official Notice is taken that these claims would be obvious in the context of the claimed invention. Should the applicant disagree with this characterization, the Examiner implores the

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applicant to point where in the applicant's specification the novelty is disclosed regarding these claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442